

NEWPORT BEACH PLANNING COMMISSION MINUTES
Council Chambers – 3300 Newport Boulevard
Thursday, February 23, 2012
STUDY SESSION MEETING
5:00 p.m.

Chair Toerge led the assembly in the pledge of allegiance.

A. ROLL CALL

PRESENT: Hillgren, Kramer, Myers, Toerge, and Tucker
ABSENT: Ameri

Staff Present: Patrick Alford, Planning Manager; Brenda Wisneski, Deputy Community Development Director; Leonie Mulvihill, Assistant City Attorney; and Tony Brine, City Traffic Engineer

B. CURRENT BUSINESS

ITEM NO. 1 Newport Banning Ranch: Land Use, Development Regulations, and Architectural Guidelines

Chair Toerge addressed the process for the study session noting that it is intended to educate the Planning Commission and the public on the plan as proposed, adding that they are set up with a finite timeframe. He stated that the Planning Commission's ability to digest the comments, concerns, and suggestions of the public would be better served if everyone has a clear understanding of the project as proposed. He stated that upon completion of the study sessions, the public hearing process would begin. At each public hearing, the public will have an opportunity to express itself in a fair, appropriate and thorough way. He added that because of the amount of information it is difficult to predict how much time will be available for public comment during the study sessions. He reported that the applicant has prepared a lot of information and that the public will be better served if concerns are expressed concisely and shared during the study session period so that they can be addressed at the time of the public hearings. He stated that if the public has a specific suggestion as to how the meetings should go; it is always welcomed to contact the Planning Commissioners and/or staff.

Planning Manager Patrick Alford presented a recap of the study sessions already held, and a brief summary of what will be discussed during the remainder of the meeting. He reported that one last study session is planned for March 8, 2012, in which the findings of the draft Environmental Impact Report will be considered.

Mr. Alford presented a brief PowerPoint presentation of the relationship between the Planned Community Development plan and the Master Development plan. The first, serves as zoning for the site and administration of the planned community. The second provides the next level of specificity and Mr. Alford addressed the various components of the plan. He presented details of the development review process and stated that staff would be recommending the community park have a separate process from the development process for the residential villages and commercial areas.

Mr. Alford addressed entitlements, areas to be reviewed later by the Planning Commission through the site development review process and those that will need to be considered by the Coastal Commission following local approval. He provided information on the basic zoning districts, land uses, development regulations, and additional development criteria provided by the Master Development plan. In addition, he addressed the architectural guidelines established by the Master Development plan including materials, elevations, design, and colors.

Chair Toerge invited the applicant to address the Commission.

Marice White, Newport Banning Ranch, presented a PowerPoint presentation and addressed grading and infrastructure, cleanup, oil consolidation, and habitat restoration. She reported that the project is designed to compliment all of the features, and benefits of the community to provide a variety of housing types and create a dynamic and diverse community designed as "beach" architecture. She noted there are seven (7) different categories of zoning in the PC text. She addressed the Resort Colony, South Family Village, North Family Village, and the Urban Colony and provided information relative to the compatibility of surrounding land uses. Ms. White described details of single-family detached products including traditional homes, coastal homes, beach cottages, motor court homes, and garden court homes. She presented details of the multi-family attached homes, resort flats for the resort colony, and homes planned for the urban colony. She reported the architectural styles will compliment the surrounding neighborhood.

Commissioner Kramer requested additional detail on the Resort Colony and expressed concerns regarding the possibility of creating a relationship with the nearby hotel.

Ms. White responded that the resort area would be comprised of an "attached" product and noted the possibility of a usage-type agreement where resort residents would have privileges or benefits to use some of the features of the resort, but that none of that has been decided. She noted that the item will come back to the Planning Commission as well as the Coastal Commission.

Commissioner Kramer felt that the two uses would have a common relationship; he addressed the number of units for the hotel and the Resort Colony, and opined that the issue would need to receive further consideration.

Chair Toerge noted that there would potentially be 162 dwelling units to serve the hotel, when it is entitled to 75 rooms.

Commissioner Tucker commented on the oil operations referred to as "interim" and inquired regarding a specific timeline.

Ms. White responded that it could take several weeks or several decades.

Regarding the community park district, staff reported it would be comprised of 21.7 total net acres.

Commissioner Tucker commented on the number of residential units to be built in the event that the resort is not built and inquired regarding the timeline for deciding whether or not it will be built.

Ms. White responded that it is up to the discretion of the owner and that as the other sub-divisions come on line, product type and what the market is responding to will drive whether or not there will be 87 or up to 100 units in the Resort Colony. She reported that there is no requirement.

Commissioner Tucker addressed visitor-serving commercial uses independent of a resort use (e.g., restaurants and bars) and inquired as to whether a bar could be developed separately from a restaurant.

Ms. White noted that it would not, that the restaurant/bar would need to be part of the resort. Staff reported that a provision, in the PC text would allow for a restaurant which also has a bar, in the event the resort is not built.

Commissioner Tucker inquired regarding the medium-density residential district 2,500-square-foot commercial use planned.

Ms. White stated that when originally planned, it might have included a dry-cleaner, a coffee shop, and a sundry store that would serve the residents.

In response to Commissioner Tucker's question, Ms. White confirmed that the mixed-use residential plan could include an apartment project.

Commissioner Tucker asked regarding the location of affordable housing and Ms. White stated that the affordable housing implementation plan has not yet been presented but that the documents allow for the affordable housing to be in any of the sub-divisions and it has not yet been planned. He opined that the planned 45 mph on Bluff Road seems high and commented on a cut-through opportunity through the neighborhood rather than a road to serve the neighborhood. Ms. White confirmed that there will be no "traffic-calming" features on Bluff Road. She noted that the speed limit would be determined by the City policy in terms of the size of the road.

Mike Mohler, Newport Banning Ranch, reported that they would be happy to see the speed limit decreased. He reported that it is part of the Master Plan of Arterial Highways.

City Traffic Engineer Tony Brine noted that the road is not just intended to provide access to the development, but that it is also a regional roadway on the master plan.

Commissioner Tucker opined that it does not make sense in terms of the development context. He asked whether irrigation water will be recycled or potable.

Ms. White reported it will be potable water and added that there is no reclaimed water available at the site, that the closest connection to reclaimed water is four (4) miles.

Commissioner Tucker inquired about fences, walls, and retaining walls in terms of the possible sizes, related requirements of the Municipal Code.

Ms. White reported the retaining walls will be under the ten (10) to twelve (12) foot height limit.

Mr. Tucker asked if the project would be bound by the Municipal Code in effect at the time of approval or as amended.

Assistant City Attorney Leonie Mulvihill noted that as developments are approved, they must comply with the Municipal Code as exists or may be amended. She stated that the distinction would be through a development agreement that would set forth which codes they must abide by.

Commissioner Tucker commented on underground parking for the high-density project.

Ms. White stated that the parking would be subterranean.

Commissioner Tucker addressed administration regarding who can appeal a director's determination.

Ms. Mulvihill reported that either the Planning Commission or the City Council may appeal.

In response to Commissioner Tucker's inquiry regarding responsibility for minor modifications, Deputy Community Development Director Brenda Wisneski reported that they would be administratively determined and that they are in the PC text.

Commissioner Tucker expressed concern regarding the possibility of changes that are allowed relative to a reduction in the total area allocated to Low Land Open Space/Public Trails District to less than 115 gross acres.

City planning consultant Debby Linn noted that the provision referenced by Commissioner Tucker is to allow for minor flexibility in the changes of boundaries to planning areas and applies to the low-lands, open space area, and the need for specificity regarding the matter as to whether it will be a minor modification or need to go through the public hearing process.

Commissioner Tucker commented on another reference allowing free-standing bars and staff acknowledged that the item will need to be looked at.

Commissioner Myers asked regarding the threshold for the development effort should the resort hotel not be built and the possibility of changing the use.

Mr. Mohler reported that part of the plan was to get some visitor-serving uses on site. He noted that the best use determined was a limited boutique hotel. He reported that they could accept a timetable from boutique hotel groups but that they are currently not economically feasible at this time. Mr. Mohler reported that if there was a need for a reasonable period of time in order to prove the economics that could enter the mix as part of conditions of approval if the Commission were inclined to approve the project.

In response to Commissioner Myer's inquiry, Mr. Alford reported that the issue of allowing residential uses on the Resort Inn site would be to the site development review process and be subject to review by the Planning Commission.

Chair Toerge commented on inherent conflicts that arise when commercial zoning is in close proximity to residential and requiring disclosure from the original application.

Mr. Alford noted that some of the comments regarding the EIR concerned disclosure issues and that staff is crafting language that would include mandatory disclosure to potential buyers or tenants.

Chair Toerge opined that the requirement should be included and recorded for the benefit of the first buyer and subsequent buyers. He specifically addressed the hours allowed for commercial deliveries and opined that the times should be changed to a reasonable hour.

Commissioner Kramer suggested an addition of a condition of approval wherein there is a reasonable amount of time given to the developer to find a developer/operator for the hotel.

Commissioner Tucker noted that a condition could not be made relative to what makes economic sense but commented by having a lockout; it would make more sense than the alternative.

Mr. Mohler noted that the hotel is an allowable use, and one that is desirable. Mr. Mohler added that they can work with staff to design a condition that will address the issue.

Chair Toerge opened the public hearing.

Rod Higgerman, Newport Crest resident, commented on the proportionality and the possibility of disrupting Highway 1 and the off-ramp for State Route 55. He opined that the Planning Commission should reconsider the west end carefully.

Debby Koken of Banning Ranch Conservancy presented a PowerPoint presentation and referenced a map from the Newport Beach General Plan showing the development constraints for Banning Ranch noting that the total buildable area is 216 acres. She addressed the development plan for the project and felt that Newport Banning Ranch is not moderate in their demands or giving the open space to the community. In addition, she addressed determination of the area as a critical habitat for several species and reiterated the requirement of the General Plan to leave the entire Banning Ranch as open space and felt that this project as presented is densely built out.

Barry Carlson of Mesa Water District responded to Commissioner Tucker's inquiry regarding water and noted that the Mesa Water District has a recycled water line approximately a quarter mile north of the Hamilton/Victoria Bridge. In addition, he requested that the Commission consider their analysis of providing water to the Banning Ranch site. He stated that they could provide one-hundred (100%) percent local water to the site which would reduce green house gases emitted.

Suzanne Forster presented a PowerPoint presentation and commented on land form alterations that will be caused by remediation, grading, excavation, and the construction of Banning Ranch. She agreed that the area needs to be cleaned up and mentioned impact to the land from the crude oil production. She stated that plant life and wildlife are thriving and that it has restored itself in many areas. Ms. Forster noted that plants naturally remediate contamination and felt that once the development starts Banning Ranch will never be the same. She spoke in opposition to the project, addressed pollution, noise, and health hazards that will exist as a result of construction, and the destruction of an existing ecosystem.

Kim Farthing expressed concern regarding the open-ended components of the plan. She felt that the development of Bluff Road will significantly alter the landscape in an irreversible manner and ruin the topography. She addressed the number of dwelling units and traffic impacts. Ms. Farthing addressed the traffic study and pointed out that the mitigation efforts proposed are unacceptable. In addition, she addressed decreased home values as a result of the development noted land usage greatly impacts the local communities as well as the destruction of natural habitats. She opined the developer has too much leeway to make changes mid-way in the process and encouraged the Commission to consider the impact that the development will have on the community.

Steve Ray, Executive Director of the Banning Ranch Conservancy, opined that there are too many things that are being left to the discretion of the developer, staff, and administrative procedures. He referenced comments received regarding the EIR, including comments from the Coastal Commission and offered to provide these to the Commission for further study. He asked the Commission allow his organization to make a prepared presentation at the study session for the EIR.

Chair Toerge reported that approval is not needed in order to submit information and comments to Commissioners. He suggested that Mr. Ray submit a summary of what is desired and present it to staff.

Dan Purcell, opined that the public hearing process has not been balanced and that the City has not invested as much time or money in gathering public opinions as it has on the application process.

Jim Mosher stated that City Council Members and Planning Commissioners can appeal decisions by the Director and addressed the fee for doing so by other interested parties. He noted that there is a condition in the Charter regarding a

limited time for cleaning up the oil fields (within 10 years of annexation). He commented on the maximum building height allowed in the urban colony as well as consideration by the Coastal Commission and approval by a Coastal Master Permit. He noted that there is no such thing.

Sandi Frankiewicz opined that while the project is attractive on paper, that it is not a good development and spoke in opposition of the entire project.

Robert Hawkins commented on the hotel use and the residential alternative. He referenced the land use plan and felt it cannot be converted to residential without a General Plan amendment.

Debra Haynes reported not understanding why the project is being considered if there is no approval to get into Banning Ranch from Coast Highway. She spoke in opposition of the project.

Chair Toerge closed the public hearing.

Deputy Community Development Director Brenda Wisneski clarified for the record that this proceeding is a workshop and not a public hearing.

Commissioner Tucker reported that he has read the Coastal Commission letter and added that the Planning Commission has had access to the EIR comment letters for a couple of weeks.

C. PUBLIC COMMENTS - None.

D. ADJOURNMENT – The meeting was adjourned at 6:33 p.m.